

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

TCF National Bank,) Court File No.: 09-CV-518
) DSD/FLN
)
)
Interpleader Plaintiff,)
)
)
v.)
)
First Data Merchant Services Corporation)
and Community Finance Group, Inc.,)
)
)
Defendant.)

**AFFIDAVIT OF ANDREW
VILENCHIK**

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

ANDREW VILENCHIK, being first duly sworn, deposes and states as follows:

1. I am the General Manager of Community Finance Group, Inc., with its offices located at 5747 W. Broadway Avenues, Crystal, Minnesota 55428-3549.
2. I make this affidavit based on events of which I have firsthand knowledge and experience.
3. On or about September 5, 2009, I, as General Manager of Community Finance Group, received correspondence notifying me that First Data Merchant Services had placed Community Finance Group's outstanding balance

of \$103,244.65 for collection with Transworld Systems, Inc. A true and correct copy of this correspondence is attached hereto as Exhibit A.

4. On or about September, 11, 2009, I received a settlement offer from Transworld Systems, Inc., that they would accept the sum of \$77,433.48 as settlement of Community Finance Group's account. As a condition to the offer, the funds must be received no later than September 25, 2009. A true and correct copy of this offer is attached hereto as Exhibit B.

5. The same day that I received the settlement offer, at 11:52am, I called Transworld Systems and spoke to a gentleman named "Lewis". I asked Lewis if they could go lower than \$77,433.48. Lewis put me on hold while he requested authorization for a lower settlement and then returned to the telephone to say that this was the lowest settlement they were authorized to accept.

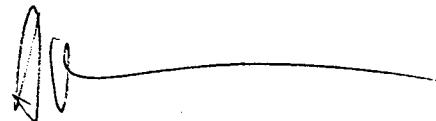
6. On Monday, September 14th and Tuesday, September 15, 2009, I again spoke with Lewis to see if he could do better than \$77,433.38. In both conversations I was put on hold while he requested authorization and both times he informed me that \$77,433.48 was the lowest settlement he was authorized to accept.

7. On September 15, 2009, at the conclusion of my conversation with Lewis, I verbally accepted the offer of \$77,433.48 on behalf of Finance Group and told Lewis that I would get something to him in writing and make the payment.

8. On September 17, 2009, I, on behalf of Community Finance Group, Inc., sent a letter via facsimile to Transworld Systems confirming my verbal

acceptance of their settlement offer. In this letter I requested wiring instructions or an address to which certified funds could be sent. A true and correct copy of the acceptance letter and facsimile receipt are attached hereto as Exhibit C.

FURTHER YOUR AFFIANT SAYETH NOT.



Andrew Vilenchik

Subscribed and sworn to before me
this 15 day of October, 2009.



Heidi Greenwald
Notary Public

